

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Non-Final Office Action of April 22, 2003 has been received and contents carefully reviewed.

By this amendment, Applicants hereby amend the Specification, the Drawings, Claims 1-5, 7, 8, and 11 and adds new Claims 14-27. Applicant respectfully submits no new matter has been entered by this amendment.

In the Office Action, the Examiner provisionally rejected claims 1-5, 7, 9, 11, and 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 10, and 12 of Lim (copending Application No. 09/994,793); objected to the Drawings under 37 CFR § 1.83(a) as failing to show every feature specified in the claims; rejected claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention; rejected claims 1, 5, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by Hayashi (U.S. Pat. No. 5,657,139); and rejected claims 2-4, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Hayashi. The rejections of the claims and objections to the drawings is traversed and reconsideration of the claims is respectfully requested in view of the amendments to the Specification, Claims, and Drawings and in view of the following remarks.

The rejection of claims 1-5, 7, 9, 11, and 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 10, and 12 of Lim is respectfully traversed and reconsideration is requested.

A provisional obvious-type double patenting rejection is generally analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. § 103. Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. § 103 obviousness determination. Further, when considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a copending application, the disclosure of the copending application may not be used as prior art. MPEP § 804(II)(B)(1).

In rejecting claims 1, 5, 7, 11, and 12 of the present application over claims 1, 4, and 12 of Lim, the Examiner states “inspection pads of... [the present] application similar to gate contact pad, data contact pad, common voltage pad of [Lim].”

Applicants respectfully submit, however, claim 1 of the present application recites “preparing an upper substrate having a third region and a fourth region, a plurality of second cells at the third region, the plurality of second cells composed of a color filter, and a plurality of scribe keys at a border between the third and fourth regions; ...forming a liquid crystal layer on the lower substrate; ...exposing the inspection pads of the lower substrate by scribing and breaking the upper substrate along the scribe keys” Applicants further submit the claims of Lim are silent as to the aforementioned combination of elements claimed in the present application. Accordingly, and after applying an analysis that parallels the guidelines for analysis of a 35 U.S.C. § 103 obviousness determination, Applicants respectfully submit claim 1 of the present application is not an obvious variation of the claimed invention in Lim.

Claims 2-5, 7, and 9 include all of the limitations of claim 1, as discussed above, and the invention claimed in Lim fails to teach or suggest at least these features of independent claim 1 as recited above. Accordingly, Applicants respectfully submit that claims 2-5, 7, and

9 are allowable over the claimed invention of Lim at least by virtue of their dependence from claim 1.

Further, Applicants respectfully submit, claim 11 of the present application recites “an upper substrate having a plurality of second cells composed of color filter at a third region, a fourth region, a plurality of scribe keys at a border between the third and fourth regions and a common line at the third region...” Applicants further submit the claims of Lim are silent as to the aforementioned combination of elements claimed in the present application.

Accordingly, and after applying an analysis that parallels the guidelines for analysis of a 35 U.S.C. § 103 obviousness determination, Applicants respectfully submit claim 11 of the present application is not an obvious variation of the claimed invention in Lim.

Claim 12 includes all of the limitations of claim 12, as discussed above, and the invention claimed in Lim fails to teach or suggest at least these features of independent claim 11 as recited above. Accordingly, Applicants respectfully submit that claim 12 is allowable over the claimed invention of Lim at least by virtue of its dependence from claim 11.

The Examiner objected to the Drawings under 37 CFR § 1.83(a) as failing to show every feature of the invention specified in the claims and required “data and gate lines” and “a shorting bar for protecting the cell from static electricity” be shown.

Applicants respectfully submit these objections to the Drawings are moot in view of the amendment to the Drawings in the Appendix attached following page 19 of this paper. Applicants respectfully submit no new matter has been entered by the present amendment to the Drawings. Accordingly, Applicants respectfully request withdrawal of the aforementioned objections to the Drawings.

The Examiner rejected claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

More specifically, the Examiner stated "Applicant needs to clarify how inspection lines are connected to data lines, gate lines, or TFTs for the inspection purpose..." "Applicant needs to clarify how short bar is formed and connected..." "Claim 1 recites the limitation 'the unit liquid crystal cells' in line 16," "Claims 2 and 8 recite the limitations 'the liquid crystal cell substrate' and 'the unit cells'," "Claims 3 and 4 recite the limitation 'the cutting processes'," and "Claim 5 recites the limitation 'the lower and upper glass substrates.'" The Examiner further rejected claims 6, 7, 9, 10, 12, and 13 by virtue of their dependence on rejected base claims 1 and 11.

Applicants respectfully submit these rejections to the Claims are moot in view of the amendment to the Specification, Drawings, and Claims as described above. Applicants respectfully submit no new matter has been entered by the present amendment to the Specification, Drawings, and Claims. Accordingly, Applicants respectfully request withdrawal of the aforementioned rejections to the Claims.

The rejection of claims 1, 5, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by Hayashi is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example "preparing a lower substrate having a first region and a second region, a plurality of first cells at the first region, the plurality of first cells composed of array devices, a plurality of inspection pads at the second region, and an inspection line connecting the inspection pads and the plurality of first cells; preparing an upper substrate

having a third region and a fourth region, a plurality of second cells at the third region, the plurality of second cells composed of a color filter, and a plurality of scribe keys at a border between the third and fourth regions; forming a liquid crystal layer on the lower substrate; attaching the upper and lower substrates; exposing the inspection pads of the lower substrate by scribing and breaking the upper substrate along the scribe keys.” None of the cited references, including Hayashi, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 2-10, 14, and 15 which depend from claim 1, are also allowable over the cited references.

Claim 11 is allowable over the cited references in that claim 11 recites a combination of elements including, for example “...a lower substrate having a first region and a second region... a plurality of inspection pads at the second region...; an upper substrate having a third region and a fourth region... and a plurality of scribe keys at a border between the third and fourth regions...” None of the cited references, including Hayashi, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 12, 13, 16, and 17, which depend from claim 11, are also allowable over the cited references.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference. See MPEP § 2131. For the reasons set forth below, Applicants respectfully submit a *prima facie* case of anticipation has not been established with regard to the presently claimed invention.

The Examiner cites Hayashi as teaching “...preparing an upper glass substrate 301 having... a plurality of scribe keys at a border between the third and fourth regions... forming a seal pattern on the first region of the lower substrate; forming a liquid crystal layer

on the lower substrate having the seal pattern; ...exposing the inspection pads of the lower substrate by scribing and breaking the upper substrate along the scribe keys..." (Office Action at 2.)

Applicants respectfully submit, however, that Hayashi fails to expressly or inherently disclose the aforementioned combination of elements. Accordingly, Applicants respectfully submit Hayashi fails to expressly or inherently teach at least "...preparing an upper glass substrate 301 having... a plurality of scribe keys at a border between the third and fourth regions... forming a seal pattern on the first region of the lower substrate; forming a liquid crystal layer on the lower substrate having the seal pattern; ...exposing the inspection pads of the lower substrate by scribing and breaking the upper substrate along the scribe keys..." as asserted by the Examiner.

The rejection of claims 2-4, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Hayashi is respectfully traversed and reconsideration is requested.

Claims 2-4, 9, and 10 include all of the limitations of claim 1, as discussed above, and Hayashi fails to teach or suggest at least these features of independent claim 1 as recited above. Accordingly, Applicants respectfully submit claims 2-4, 9, and 10 are allowable over Hayashi by virtue of their dependence on claim 1.

Further, in rejecting claims 2-4, 9, and 10, the Examiner states "[i]t is well known in the art that the method of fabricating a liquid crystal cell for a small size liquid crystal display device wherein cutting the liquid crystal cell substrate into the liquid crystal cell; and performing a grinding process for smoothening the sides of liquid crystal cell, wherein an edge of the unit liquid crystal cell is polished... the liquid crystal is formed before the cutting process... ;... after the cutting process, a shorting bar... is cut...[;] the liquid crystal is

formed in a vacuum chamber by a dispensing method...[;] the lower and upper substrates are aligned and attached in the vacuum chamber..."

Applicants respectfully submit that the principles of "Official Notice" are invoked whenever a conclusion made but is unsupported by documentary evidence. See MPEP § 2144.03 B (general conclusions concerning what is "basic knowledge" to one of ordinary skill in the art, without specific factual findings and some concrete evidence in the record to support the findings, will not support an obviousness rejection). Accordingly, even though the exact words "Official Notice" were not provided in the outstanding Office Action, the principles of "Official Notice" have nevertheless been invoked in forming general conclusions concerning what is "well known" within the art. Therefore, and in stating "[i]t is well known in the art that the method of fabricating a liquid crystal cell...", it appears as though the Examiner is relying on Official Notice.

The Examiner may take Official Notice of facts outside of the record that are capable of instant and unquestionable demonstration as being "well-known" in the art. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). As set forth in MPEP § 2144.03, if an Applicants traverse an assertion made by an Examiner while taking Official Notice, the Examiner should cite a reference in support of their assertion. Accordingly, Applicants seasonably traverse the use of Official Notice and respectfully requests the Examiner to provide a reference to support their assertions or an affidavit.

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Applicants believe the application in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

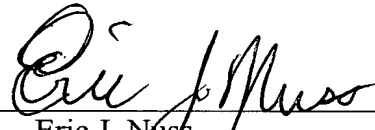
If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

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